

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL W. SIMMS,)	
)	Case No.:
Plaintiff,)	
)	
v.)	
)	
NATIONSTAR MORTGAGE, LLC, and FEDERAL NATIONAL MORTGAGE ASSOCIATION,)	
)	
)	
Defendants.)	
)	

NOTICE OF REMOVAL

COME NOW Defendants Nationstar Mortgage, LLC (“Nationstar”) and Federal National Mortgage Association (“Fannie Mae”) (collectively “Defendants”), by and through counsel, pursuant to 28 U.S.C. §§ 1332 and 1441, and hereby remove to the United States District Court for the Eastern District of Missouri, the case styled *Simms v. Nationstar Mortgage, LLC, et al.*, Case No. 13SL-CC02991 from the Circuit Court of St. Louis County, Missouri, in which it is now pending. In support thereof, Defendants state as follows:

1. On August 28, 2013, Plaintiff Michael W. Simms (“Plaintiff”) filed his Petition for Wrongful Foreclosure (the “Petition”) in the Circuit Court of St. Louis County, Missouri. A true and correct copy of all process, pleadings, and orders served upon the Defendants are attached hereto as collective **Exhibit A** and incorporated herein by this reference.

2. This Notice of Removal is filed within thirty (30) days of the date upon which the case became removable and therefore is timely pursuant to 28 U.S.C. § 1446(b).

3. This action is removable pursuant to 28 U.S.C. §§ 1332 and 1441 because 28 U.S.C. § 1332 confers jurisdiction upon cases which the amount in controversy exceeds the sum or value of \$75,000 and are between citizens of different states. 28 U.S.C. § 1332(a)(1).

4. Plaintiff is a resident of the State of Missouri.

5. Nationstar is a Delaware limited liability company with its principal place of business in the State of Texas.

6. Fannie Mae is a government-sponsored entity and is a citizen of the District of Columbia. *See* 12 U.S.C. § 1717(a)(2)(B).

7. Accordingly, Plaintiff is diverse from both Defendants.

8. Plaintiff's Petition seeks to void the sale of certain real property sold for \$231,755.59, and therefore the amount in controversy exceeds the sum or value of \$75,000.

9. Both Defendants consent to the removal of this action.

10. A copy of this Notice of Removal will be filed in the Circuit Court of St. Louis County, Missouri and served upon counsel for Plaintiff pursuant to L.R. 81-2.03.

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1446 as the United States District Court for the Eastern District of Missouri, Eastern Division, is the federal judicial district and division embracing the Circuit Court of St. Louis County, Missouri, at St. Louis, where this action was originally filed. *See* 28 U.S.C. § 105(a)(1); L.R. 3-2.07. As noted above, Defendants are entitled to remove that action to this Court.

WHEREFORE, Defendants Nationstar Mortgage, LLC and Federal National Mortgage Association hereby remove this case from the Circuit Court of St. Louis County, Missouri to this Court for all further proceedings, as provided by law, and that, pursuant to 28 U.S.C. § 1446, the

Circuit Court for the County of St. Louis, Missouri proceed no further unless and until such further Order of this Court.

HUSCH BLACKWELL LLP

/s/ Matthew Gartner

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*Counsel for Defendants Nationstar Mortgage, LLC
and Federal National Mortgage Association*

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing was mailed this 30th day of September, 2013, by first-class U.S. mail, postage pre-paid, and by electronic mail, to:

Gregory P. White
8000 Bonhomme, Suite 316
Clayton, Missouri 63105
gregorypwhite@yahoo.com

By: /s/ Matthew Gartner
Matthew Gartner